

**UNITED STATES BANKRUPTCY COURT
OFFICE OF THE CLERK
SOUTHERN DISTRICT OF MISSISSIPPI**

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Notice of Proposed Amendments to Uniform Local Rules

The bankruptcy judges for the Northern and Southern Districts of Mississippi have proposed the amendments of current Uniform Local Rules to read as shown on the enclosed copy of *Order Amending Uniform Local Rules* and *Order Amending Uniform Local Rule S13-4 as to the Southern District of Mississippi*.

Any comments or suggestions should be submitted to the undersigned on or before December 20, 2004.

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DATED: November 24, 2004

/s/ Charlene J. Kennedy

Charlene J. Kennedy
Clerk
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**IN THE UNITED STATES BANKRUPTCY COURTS FOR THE
NORTHERN AND SOUTHERN DISTRICTS OF MISSISSIPPI**

ORDER AMENDING UNIFORM LOCAL RULES

The Bankruptcy Judges of the Northern and Southern Districts of Mississippi hereby amend the Uniform Local Rules, effective immediately, to adopt the following new rules:

RULE 5005-1 AUTHORIZATION FOR ELECTRONIC FILING

(a.) *Electronic Filing.* All attorneys practicing before the Bankruptcy Courts for the Northern and Southern Districts of Mississippi, United States trustees and their assistants, bankruptcy administrators and their assistants, private trustees, and others as each Court deems appropriate, may register as Filing Users of the Court's Electronic Filing System. Registration is in a form prescribed by the clerk of each Court and requires the Filing User's name, address, telephone number, Internet email address, and, in the case of an attorney, a declaration that the attorney is admitted to the Bar of the appropriate District Court or has been admitted *pro hac vice* by comity to practice in a particular bankruptcy case, all in accordance with Rule 83.1 of the *Uniform Local Rules of the United States District Courts of the Northern and Southern Districts of Mississippi*. Once registration is completed the Filing User will receive notification of the user log-in and password. Filing Users agree to protect the security of their passwords and immediately notify the clerk if they learn that their password has been compromised. Users may be subject to sanctions for failure to comply with this provision.

(b.) Electronic filing of all bankruptcy petitions and documents related to those petitions, except proof of claims and sealed documents, is authorized by and strongly encouraged by the Courts.

RULE 9076-1 SERVICE OF DOCUMENTS BY ELECTRONIC MEANS

(a.) The *Notice of Electronic Filing* that is automatically generated by a Court's Electronic Filing System constitutes service or notice of the filed document on Filing Users. Parties who are not Filing Users must be provided notice or service of any pleading or other document electronically filed in accordance with the Federal Rules of Bankruptcy Procedure and these *Uniform Local Rules*.

(b.) A certificate of service must be included with all documents filed

electronically, indicating that service was accomplished through the *Notice of Electronic Filing* for parties and counsel who are Filing Users and indicating how service was accomplished on any party or counsel who is not a Filing User.

(c.) Nothing contained in this rule relieves counsel of the burden of obtaining personal service under Federal Rule of Bankruptcy Procedure 7004 or Federal Rule of Civil Procedure 4, where appropriate.

This *Order Amending Uniform Local Rules* is entered pursuant to Federal Rule of Bankruptcy Procedure 9029, and pursuant to the July 26, 1988, *Order* entered by the United States District Court Judges of the Northern District of Mississippi and the August 5, 1988, *Order* entered by the United States District Court Judges of the Southern District of Mississippi.

The Clerk of each Court shall cause certified copies of this *Order Amending Uniform Local Rules* and the new Uniform Local Rules 5005-1 and 9076-1 to be placed upon the records of the Court and shall forward certified copies to the Director of the Administrative Office of the United States Courts and to the Judicial Council of the Court of Appeals for the Fifth Circuit.

This *Order Amending Uniform Local Rules* and the new Uniform Local Rules 5005-1 and 9076-1 shall be printed and made available by the Clerk of each Court to the members of the Bar and to the public.

SO ORDERED this the _____ of _____, 2004.

DAVID W. HOUSTON, III
UNITED STATES BANKRUPTCY JUDGE
NORTHERN DISTRICT OF MISSISSIPPI

EDWARD ELLINGTON
UNITED STATES BANKRUPTCY JUDGE
SOUTHERN DISTRICT OF MISSISSIPPI

EDWARD R. GAINES
UNITED STATES BANKRUPTCY JUDGE
SOUTHERN DISTRICT OF MISSISSIPPI

**IN THE UNITED STATES BANKRUPTCY COURTS FOR THE
NORTHERN AND SOUTHERN DISTRICTS OF MISSISSIPPI**

**ORDER AMENDING
UNIFORM LOCAL RULE S13-4 AS TO
THE SOUTHERN DISTRICT OF MISSISSIPPI**

Pursuant to Federal Rule of Bankruptcy Procedure 5005(a)(1), original proofs of claim shall be filed with the clerk in the district where the case is pending. Therefore, the Bankruptcy Judges of the Northern and Southern Districts of Mississippi hereby amend the Uniform Local Rules, effective January 1, 2005, to amend the following rule:

RULE S13-4. CHAPTER 13 PROOF OF CLAIM

Northern District

The original and one copy of each chapter 13 proof of claim shall be filed in the office of the clerk.

Southern District

All original chapter 13 proofs of claim shall be filed in the office of the standing trustee to whom the case is assigned. The trustee shall note its date of receipt thereon and the proof of claim shall be deemed filed as of the date of its original date of delivery to the trustee. The trustee shall transmit the proof of claim to the clerk of the bankruptcy court together with a motion to allow or disallow the claim together with an appropriate order and notice to the debtor(s) and the debtor's attorney.

The new Uniform Local Rule 5002-2 will be as follows:

RULE 5002-2. CHAPTER 13 PROOF OF CLAIM

Northern District

The original and one copy of each chapter 13 proof of claim shall be filed in the office of the clerk.

Southern District

The original proof of claim shall be filed in the office of the clerk.

This *Order Amending Uniform Local Rule S13-4 as to the Southern District of Mississippi* is entered pursuant to Federal Rule of Bankruptcy Procedure 9029, and pursuant to the July 26, 1988, *Order* entered by the United States District Court Judges of the Northern District of Mississippi and

the August 5, 1988, *Order* entered by the United States District Court Judges of the Southern District of Mississippi.

The Clerk of each Court shall cause certified copies of this *Order Amending Uniform Local Rule S13-4 as to the Southern District of Mississippi* to be placed upon the records of the Court and shall forward certified copies to the Director of the Administrative Office of the United States Courts and to the Judicial Council of the Court of Appeals for the Fifth Circuit.

This *Order Amending Uniform Local Rule S13-4 as to the Southern District of Mississippi* shall be printed and made available by the Clerk of each Court to the members of the Bar and to the public.

SO ORDERED this the _____ of _____, 2004.

DAVID W. HOUSTON, III
UNITED STATES BANKRUPTCY JUDGE
NORTHERN DISTRICT OF MISSISSIPPI

EDWARD ELLINGTON
UNITED STATES BANKRUPTCY JUDGE
SOUTHERN DISTRICT OF MISSISSIPPI

EDWARD R. GAINES
UNITED STATES BANKRUPTCY JUDGE
SOUTHERN DISTRICT OF MISSISSIPPI